

Docket No: CELG-0121



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zeitlin et al.

Serial No: 09/318,151

Group Art Unit: 1614

Filed: May 25, 1999

Examiner: R. Henley, III

For: PHENIDATE DRUG FORMULATIONS HAVING REDUCED ABUSE POTENTIAL

DATE OF DEPOSIT: January 8, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.


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Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE

In response to the Office Action dated August 8, 2000, in connection with the above referenced patent application, Applicants respectfully request reconsideration of the outstanding rejections in light of the following remarks.

REMARKS

Claims 1-8 are pending in this application.

Claims 1-6 and 8 rejected under 35 U.S.C. § 103(a) for alleged obviousness over either of U.S. Patent Nos. 5,773,478 to Richards et al. ("Richards et al.") or 5,874,090 to Baker et al. ("Baker et al."). Applicants respectfully request reconsideration of the rejection, as the Richards et al. and Baker et al. references are not prior art against the present claims.

The Office Action bases its rejection on the purported disclosure of pharmaceutical formulations of D-threo-methylphenidate in the Richards et al. and Baker et al. patents. However,